



Reprinted
April 3, 2001

ENGROSSED SENATE BILL No. 188

DIGEST OF SB 188 (Updated April 2, 2001 4:11 PM - DI 105)

Citations Affected: IC 33-14.

Synopsis: Prosecuting attorney salaries. Provides that the minimum annual salary of the part-time prosecuting attorney of the judicial circuit in which the Wabash Valley Correctional Facility is located is equal to 66% of the minimum salary of the circuit court judge. Allows a prosecuting attorney to retain a deputy prosecuting attorney for the remainder of the term of office of the prosecuting attorney if the population of a correctional facility within the county falls below the specified level.

Effective: July 1, 1999 (retroactive); July 1, 2001.

Waterman

(HOUSE SPONSORS — GREGG, ULMER)

January 9, 2001, read first time and referred to Committee on Judiciary.
February 1, 2001, reported favorably — Do Pass.
February 5, 2001, read second time, ordered engrossed. Engrossed.
February 6, 2001, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 26, 2001, read first time and referred to Committee on Rules and Legislative Procedures.
March 29, 2001, reported — Do Pass.
April 2, 2001, read second time, amended, ordered engrossed.

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ES 188—LS 7356/DI 105+



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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED SENATE BILL No. 188

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-14-7-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999 (RETROACTIVE)]: Sec. 2.
3 (a) A prosecuting attorney may appoint one (1) chief deputy
4 prosecuting attorney. The maximum annual salary paid by the state of
5 a chief deputy prosecuting attorney appointed under this subsection is
6 as follows:
7 (1) If the prosecuting attorney is a full-time prosecuting attorney
8 appointing a full-time chief deputy prosecuting attorney, the
9 annual salary of the chief deputy prosecuting attorney is equal to
10 seventy-five percent (75%) of the salary paid by the state to a
11 full-time prosecuting attorney.
12 (2) If the prosecuting attorney is a full-time prosecuting attorney
13 appointing a part-time chief deputy prosecuting attorney, the
14 annual salary of the chief deputy prosecuting attorney is equal to
15 seventy-five percent (75%) of the salary paid by the state to a
16 part-time prosecuting attorney serving the judicial district served
17 by the chief deputy prosecuting attorney.

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(3) If the prosecuting attorney is a part-time prosecuting attorney appointing a full-time chief deputy prosecuting attorney, the annual salary of the chief deputy prosecuting attorney is equal to seventy-five percent (75%) of the salary paid by the state to a full-time prosecuting attorney.

(4) If the prosecuting attorney is a part-time prosecuting attorney appointing a part-time chief deputy prosecuting attorney, the annual salary of the chief deputy prosecuting attorney is equal to seventy-five percent (75%) of the salary paid by the state to a part-time prosecuting attorney.

(b) The prosecuting attorney in a county in which is located at least one (1) institution operated by the department of correction that houses at least one thousand five hundred (1,500) offenders may appoint two (2) additional deputy prosecuting attorneys. In a county having two (2) institutions, each of which houses at least one thousand five hundred (1,500) offenders, the prosecuting attorney may appoint a third deputy prosecuting attorney.

(c) The prosecuting attorney in a county in which is located an institution operated by the department of correction that houses at least one hundred (100) but less than one thousand five hundred (1,500) ~~adult~~ offenders may appoint one (1) additional deputy prosecuting attorney.

(d) The prosecuting attorney in a county in which is located a state institution (as defined in IC 12-7-2-184) that has a daily population of at least three hundred fifty (350) patients may appoint one (1) additional deputy prosecuting attorney.

(e) If:

(1) the population of an institution reaches a level that allows a prosecuting attorney to appoint an additional deputy prosecuting attorney under subsections (b) through (d);

(2) the prosecuting attorney appoints the additional deputy prosecuting attorney; and

(3) the population of the institution subsequently decreases below the level established in subsections (b) through (d);

the additional deputy prosecuting attorney may continue to serve the prosecuting attorney for the remainder of the term of office of the prosecuting attorney.

(f) The annual salary of a deputy prosecuting attorney appointed under subsections (b) through (d) may not be less than seventy-five percent (75%) of the annual salary of the appointing prosecuting attorney, as determined under section 5 of this chapter as though the prosecuting attorney had not elected full-time status.

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(g) The salaries provided in this section shall be paid by the state once every two (2) weeks from the state general fund. There is appropriated annually out of the general fund of the state sufficient funds to pay any such amount as may be necessary. However, the salaries fixed in this chapter are determined to be maximum salaries to be paid by the state. Nothing in this chapter shall limit the power of counties comprising the respective judicial circuits to pay additional salaries upon proper action by the appropriate county officials.

(h) There shall also be appropriated annually by the various county councils for other deputy prosecuting attorneys, investigators, clerical assistance, witness fees, out-of-state travel, postage, telephone tolls and telegraph, repairs to equipment, office supplies, other operating expenses, and equipment an amount as may be necessary for the proper discharge of the duties imposed by law upon the office of the prosecuting attorney of each judicial circuit.

SECTION 2. IC 33-14-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The annual minimum salary paid by the state to a full-time prosecuting attorney (as defined in section 19.5 of this chapter) is equal to the minimum salary of the circuit court judge of the same judicial circuit as the prosecuting attorney.

(b) A prosecuting attorney of a judicial circuit, other than a full-time prosecutor (as defined in section 19.5 of this chapter), is entitled to a minimum annual salary in an amount equal to sixty percent (60%) of the salary provided in subsection (a), except as provided by subsection (c).

(c) A prosecuting attorney, other than a full-time prosecutor (as defined in section 19.5 of this chapter), of a judicial circuit:

(1) that has a population of less than eighty-five thousand (85,000) and that adjoins any county having a population of more than one hundred sixty thousand (160,000); or

(2) in which is located:

(A) the Indiana state prison, the Pendleton Correctional Facility, the Plainfield Correctional Facility, the Branchville Correctional Facility, **the Wabash Valley Correctional Facility**, or the Putnamville Correctional Facility; or

(B) a state institution (as defined in IC 12-7-2-184) that has a daily population of at least three hundred fifty (350) patients; is entitled to a minimum annual salary in an amount equal to sixty-six percent (66%) of the salary provided in subsection (a).

(d) The state shall pay, from the state general fund, the minimum annual salary of a prosecuting attorney. The state shall pay the

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1 minimum annual salary in equal installments with payments being
2 made once every two (2) weeks.

3 SECTION 3. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 188, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 188 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 188, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

MOSES, Chair

Committee Vote: yeas 8, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Senate Bill 188 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-14-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999 (RETROACTIVE)]: Sec. 2.

(a) A prosecuting attorney may appoint one (1) chief deputy prosecuting attorney. The maximum annual salary paid by the state of a chief deputy prosecuting attorney appointed under this subsection is as follows:

(1) If the prosecuting attorney is a full-time prosecuting attorney appointing a full-time chief deputy prosecuting attorney, the annual salary of the chief deputy prosecuting attorney is equal to seventy-five percent (75%) of the salary paid by the state to a full-time prosecuting attorney.

(2) If the prosecuting attorney is a full-time prosecuting attorney appointing a part-time chief deputy prosecuting attorney, the annual salary of the chief deputy prosecuting attorney is equal to seventy-five percent (75%) of the salary paid by the state to a part-time prosecuting attorney serving the judicial district served by the chief deputy prosecuting attorney.

(3) If the prosecuting attorney is a part-time prosecuting attorney appointing a full-time chief deputy prosecuting attorney, the annual salary of the chief deputy prosecuting attorney is equal to seventy-five percent (75%) of the salary paid by the state to a full-time prosecuting attorney.

(4) If the prosecuting attorney is a part-time prosecuting attorney appointing a part-time chief deputy prosecuting attorney, the annual salary of the chief deputy prosecuting attorney is equal to seventy-five percent (75%) of the salary paid by the state to a part-time prosecuting attorney.

(b) The prosecuting attorney in a county in which is located at least one (1) institution operated by the department of correction that houses at least one thousand five hundred (1,500) offenders may appoint two (2) additional deputy prosecuting attorneys. In a county having two (2) institutions, each of which houses at least one thousand five hundred (1,500) offenders, the prosecuting attorney may appoint a third deputy prosecuting attorney.

(c) The prosecuting attorney in a county in which is located an institution operated by the department of correction that houses at least one hundred (100) but less than one thousand five hundred (1,500)

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~~adult~~ offenders may appoint one (1) additional deputy prosecuting attorney.

(d) The prosecuting attorney in a county in which is located a state institution (as defined in IC 12-7-2-184) that has a daily population of at least three hundred fifty (350) patients may appoint one (1) additional deputy prosecuting attorney.

(e) If:

(1) the population of an institution reaches a level that allows a prosecuting attorney to appoint an additional deputy prosecuting attorney under subsections (b) through (d);

(2) the prosecuting attorney appoints the additional deputy prosecuting attorney; and

(3) the population of the institution subsequently decreases below the level established in subsections (b) through (d);

the additional deputy prosecuting attorney may continue to serve the prosecuting attorney for the remainder of the term of office of the prosecuting attorney.

(f) The annual salary of a deputy prosecuting attorney appointed under subsections (b) through (d) may not be less than seventy-five percent (75%) of the annual salary of the appointing prosecuting attorney, as determined under section 5 of this chapter as though the prosecuting attorney had not elected full-time status.

(~~f~~) (g) The salaries provided in this section shall be paid by the state once every two (2) weeks from the state general fund. There is appropriated annually out of the general fund of the state sufficient funds to pay any such amount as may be necessary. However, the salaries fixed in this chapter are determined to be maximum salaries to be paid by the state. Nothing in this chapter shall limit the power of counties comprising the respective judicial circuits to pay additional salaries upon proper action by the appropriate county officials.

(~~g~~) (h) There shall also be appropriated annually by the various county councils for other deputy prosecuting attorneys, investigators, clerical assistance, witness fees, out-of-state travel, postage, telephone tolls and telegraph, repairs to equipment, office supplies, other operating expenses, and equipment an amount as may be necessary for the proper discharge of the duties imposed by law upon the office of the prosecuting attorney of each judicial circuit."

Page 2, after line 12 , begin a new paragraph and insert:

"SECTION 3. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 188 as printed February 2, 2001.)

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